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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Hazardous Site Cleanup Program
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March 24, 1993

Dianne Walker
Remedial Project Manager
U.S. EPA Region III (3HW21)
841 Chestnut Building
Philadelphia, PA 19107

Re: Comments to the Draft Record of Decision
William Dick Lagoons
West Caln Township
Chester County

Dear Dianne,

Upon reviewing the Draft ROD for the William Dick Lagoons site, the Department has the following comments which need to be addressed in the Final ROD.

The Department is very concerned about the PA. ARARs for groundwater, specifically the requirement that assures the nondegradation of groundwater as a result of contaminants leaching from soils, and the need for the ROD to fully address these ARARs. By its terms, the ROD appears to select a level of remediation that will allow for the further degradation of the groundwater, thereby making future remediation of groundwater to background levels nearly impossible. The Department feels that by adhering to the PA. ARARs for groundwater, a soil cleanup level may be modeled to prevent future leaching of contaminants and allow for a comprehensive cleanup of the site. The Department feels strongly about the need to adhere to these ARARs, which may represent an impediment to concurrence with the ROD in its present format.

Following are additional comments that address the content of the ROD and provide further remarks concerning the PA. ARARs for groundwater.

- A. Throughout the ROD there are statements, to the effect, that the soils will be remediated to levels that will prevent the leaching of contaminants to the ground water above "acceptable levels", or that the levels of contaminants reaching the ground water will be "minimized". This cleanup standard is unacceptable to the Department because it is in conflict with the PA ARARs for

groundwater which require that soils be remediated to levels that assure non-degradation of ground water through leaching from contaminated soils. In addition, language such as "leaching to groundwater will not exceed risk based levels or Federal standards for drinking water" or "remediating soils so that groundwater will not be impacted above MCLs, risk based values and contract required quantitation limits, whichever is lower..." is not acceptable to the Department for the reasons stated above. The Department recommends that these sections be reworded to be consistent with the PA. ARARs for Groundwater, such as "soils will be remediated to levels that assure the non-degradation of ground water through leaching from contaminated soils".

- B. The Department has determined that the "Acceptable Soil Cleanup Levels" are also inconsistent with the PA. ARARs for groundwater and that the "Acceptable Soil Cleanup Levels" should be generated using the Method Detection Limits (MDLs) for EPA series 500 methods. Although the ROD recognizes the Department's requirement that MDLs be used to establish "Acceptable Soil Cleanup Levels", we have serious reservations as to the inclusion of soil cleanup levels that do not satisfy the PA. ARARs for groundwater into the Record of Decision. The Department insists that the "Acceptable Soil Cleanup Levels" be recalculated and included in the ROD using MDLs as the "Acceptable Groundwater Concentrations" for the selected model or that a statement, to the effect, recognizing the use of MDLs to model for "Acceptable Soil Cleanup Levels" be introduced into the ROD.

In addition to the major concerns addressed above, the Department requires that these comments also be addressed to ensure Departmental concurrence with the ROD.

1. The language in the ROD concerning acceptable, health based risks repeatedly uses 10^{-4} as an acceptable level of risk to the public. An example of this is found on p. 36. third paragraph, which states "Estimated emissions from the excavation process shall not exceed a carcinogenic risk of 1×10^{-4} ". The NCP establishes an acceptable risk in the range of 10^{-6} to 10^{-4} , with a point of departure from the 10^{-6} health based risk assessment value. The ROD does not address, as required by the NCP, the point of departure from the 10^{-6} risk based value. The Department requests that the explanation for the point of departure from the 10^{-6} risk assessment value be formally discussed in the ROD.
2. The Department has some concerns as to the classification of ARARs addressed in the ROD as relevant and appropriate requirements, but not as applicable requirements. To be specific, the Department questions the reasoning for the "relevant and appropriate requirement" for the following ARARs:

Page 39, Chemical Specific ARARs, a.

Page 41, Chemical Specific ARARs AR300844

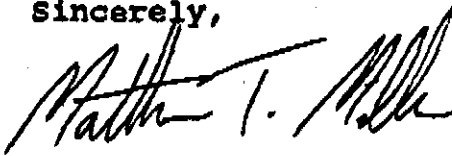
The regulations referenced in these sections are legally applicable to the proposed response action and should be considered as such for the purpose of inclusion into the ROD. If the EPA does not consider these ARARs to be applicable requirements, then an explanation to that effect should be documented in the ROD.

3. On Page 30, and on page 41 section 1, 25 Pa. Code 264 Subchapter P - Thermal Treatment does not exist. There does exist a Code 265 Subchapter P - Thermal Treatment, but the Department does not feel this is applicable to the site. In this case, 40 CFR chapter 264 is applicable.
4. Upon reviewing Table C-16 and the Acceptable Soil Cleanup Levels, there appear to be a number of compounds that are considerably above acceptable health based risk levels for direct dermal contact. The Department understands that the values for "Acceptable Soil Cleanup Levels" may be revised, but we feel that it is important to include in the ROD the rationale involved in accepting contaminant levels in the soils above health based risk levels.
5. There exist a number of discrepancies between the soil levels of Table 2 and Appendix A-page 7 of 18. For example, maximum contaminant levels for TCE are 610,000 ppb in Appendix A, but are 93,000,000 ppb in Table 2. These discrepancies should be resolved or explained in the ROD.
6. There are a number of both volatile and semivolatile Tentatively Identified Compounds (TICs) identified in the original Risk Assessment but not included in the ROD. Many of these have health based risk data which should be identified and included, with a health based risk assessment, into the ROD.
7. The sections entitled "Chemical Specific ARARs" and "Action Specific ARARs" should include 40 CFR Section 261, relating to the definition and listing of Hazardous waste.
8. It is understood that the result of the response at the site will leave some levels of contamination in the soils of the lagoon areas. In what way does the EPA plan to address the potential health effects resulting from the disturbance of the onsite soils from, for example, construction? If some form of institutional control on the property is being considered, it should be addressed in the ROD.

All comments mentioned above should be addressed in the ROD to ensure the Department's concurrence with the Record of Decision. In addition, the Department would request that a written response to the major concerns be presented prior to the receipt of the Final ROD. If you would like to discuss any of the comments please contact me at (215) 832-6192.

AR300845

Sincerely,



Matthew T. Miller
HSCP Project Officer

cc: Bruce Beitler, ECP Manager
George Danyliw, HSCP Manager
Robert Zang, HSCP Supervisor
Anderson Lee Hartzell, Site Attorney
Donald Becker, CERCLA Response Chief
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HSCP Files